

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

INTERNATIONAL UNION OF OPERATING)	
ENGINEERS OF EASTERN)	
PENNSYLVANIA AND DELAWARE)	Civil Action
BENEFIT PENSION FUND, HEALTH)	
AND WELFARE FUND,)	No. 02-CV-04666
APPRENTICESHIP & TRAINING FUND,)	
SUPPLEMENTAL UNEMPLOYMENT)	
FUND, and ANNUITY FUND,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
MASTRO MASONRY,)	
)	
Defendant.)	

HEARING SCHEDULING ORDER

NOW, this 25th day of March, 2003, upon consideration of the Civil Action commenced by the filing of Plaintiffs' Complaint on July 12, 2002; it appearing that a Summons and Plaintiffs' Complaint were served upon defendant Mastro Masonry on August 21, 2002; it further appearing that defendant was required to plead or otherwise defend against Plaintiffs' Complaint by September 10, 2002, pursuant to Rule 12 of the Federal Rules of Civil Procedure; it further appearing that defendant has failed to so plead or otherwise defend;

IT IS ORDERED that the Clerk of Court shall enter the default of defendant Mastro Masonry in this Civil Action pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that a hearing is scheduled before the undersigned on Thursday, May 29, 2003, at 1:30 o'clock p.m. in Courtroom B, Edward N. Cahn United States Courthouse, 504

West Hamilton Street, Allentown, Pennsylvania, on Notice of Motion for Default Judgment, filed by plaintiffs on December 5, 2002.

IT IS FURTHER ORDERED that, pursuant to Rule 55(b) (2) of the Federal Rules of Civil Procedure, the hearing shall be limited solely to the following issues regarding damages:

1) plaintiffs' entitlement to ten percent interest from the date of delinquency to the date of payment; 2) the date and amount of each delinquency as to each plaintiff; 3) plaintiffs' entitlement to liquidated damages equaling ten percent of the total unpaid contributions; 4) the costs demanded pursuant to the Trust Agreement; and 5) the costs demanded pursuant to the Collective Bargaining Agreement; and 6) the costs demanded pursuant to Section 502(g) (2) of the Employee Retirement Income Security Act, 29 U.S.C. § 1132(g) (2) (2003).

IT IS FURTHER ORDERED that not later than seven days before the hearing date each party shall submit to the undersigned¹ a written summary of the issues and of that party's argument, which summary shall not exceed two pages in length.

¹ The memoranda may be forwarded to the undersigned by mail at Edward N. Cahn United States Courthouse, 504 West Hamilton Street, Suite 4701, Allentown, Pennsylvania 18101; by fax at (610) 434-3459; or by e-mail addressed to Chambers_of_Judge_James_Knoll_Gardner@paed.uscourts.gov

IT IS FURTHER ORDERED that continuances will be granted only in extraordinary circumstances. Continuance requests shall be signed by one counsel of record for each represented party and by each unrepresented party. Continuance requests shall be submitted at least ten days prior to the hearing on a form approved by the undersigned.

BY THE COURT:

James Knoll Gardner
United States District Judge